HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JUDRISDICTION
Dated Nainital the 27th June 2006
Bail Application No. 550 of 2006

Order on the bail application of accused.

CRIMINAL SIDE

Balbir Singh S/o Girdhar
R/o Village Gopalpur
Police Station – Kharkhoda
District – Sonipat (Haryana) …… Applicant

Versus

State of Uttaranchal ……. Opposite Party

In Case Crime No. 262 of 2004
U/s 302, 120-B I.P.C.
Police station – Haridwar
District – Haridwar

Hon'ble J.C.S. Rawat, J.

Heard Sri S.K. Agarwal-Sr Advocate assisted by Gopal K. Verma, learned counsel for the applicants, learned AGA for the State and perused the record.

It is alleged in the F.I.R. recorded on 16.05.2004 that the dead body was found inside the room and none was nominated in the F.I.R. Thereafter, the inquest report was made and Jai Prakash-brother of the deceased was the witness of the inquest report. He had not disclosed the name of the present accused-applicant. It was contended that Manveer and Jagveer whose statement were recorded after inordinate delay of 7 months, i.e. on 20.03.2005, they have stated that they have seen the deceased in the company of the present applicant. It was contended that Jai Prakash has also made a statement after seven months on the basis of the statement of Manveer & Jagveer that the murder had been committed by the present accused-applicant. It was contended that Manveer and Jagveer had seen the applicant in the company of the accused-applicant but it was not stated immediately. It was contended that the evidence produced by the Investigating Officer is not reliable and believable. It was further contended that there is not complete chain of the circumstances.

Considering the facts and circumstance of case in totality, it is a fit case for bail at this stage.

Let the accused-applicant-Balbir Singh be released on bail on executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 27.06.2006
Shiv